



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

OFFICE OF THE GENERAL COUNSEL

28 June 2004

MEMORANDUM FOR ALMAJCOM/FOA/DRU ADR POCs and SJAs

FROM: SAF/GCD

SUBJECT: AFI 51-1201 Implementation Guidance

As you know, AFI 51-1201, ADR in Workplace Disputes, was published 21 April 2004 and distributed through DP channels for local bargaining requirements and implementation. Since then, we have fielded several questions from base Legal Offices, Civilian Personnel Flights, EEO Offices and Mission Support Squadrons regarding some of its provisions. While we have answered all inquiries directly, we have noticed they all seem to involve three recurring issues, leading us to conclude that Air Force-wide guidance would be appropriate and useful to those charged with implementing the AFI. The Q&As below reflect the AFI's intent with respect to these three issues.

1) Question: Does paragraph 13 of the AFI, dealing with Functional Area Managers (FAMs), preclude appointment as ADR Champion of someone in EEO, CPF, or other organization with functional responsibility for workplace disputes?

Answer: No. Paragraph 11.2 gives the installation commander the authority to appoint "an individual" as the ADR Champion, subject only to the recommendation that the person appointed be viewed as fair and impartial to stakeholders and be of sufficient grade or rank to carry out the duties of the ADR Champion. Paragraph 13 is not intended to restrict this authority. Rather, it authorizes the ADR Champion to designate FAMs in the functional organizations as needed to help facilitate the use of ADR in the dispute programs managed by those functional organizations.

FAMs are not mandatory. If a base's dispute mix or workload does not require a FAM in a particular organization, none need be designated (paragraph 13.2). Similarly, if the ADR Champion is appointed from an office with functional responsibility for workplace disputes (for example, the EEO Manager), a separate FAM from that same office generally would not be necessary.

Paragraph 13 was also intended to take into account the different ways a base-level ADR program can be structured, based on the amount and diversity of local workload disputes activity. Figures 1 and 2 depict two possible ADR program structures that make use of FAMs in order to assist the ADR Champion manage the use of ADR in various dispute categories.

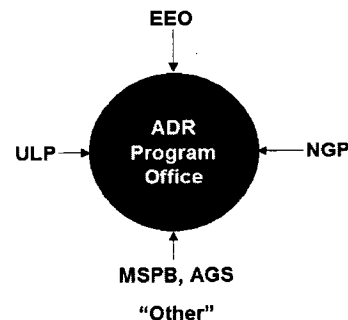
Figure 1 depicts a "hub and spoke" structure, in which an independent ADR Program Office, headed by the ADR Champion, is responsible for ADR of all workplace disputes. The ADR Champion coordinates the use of ADR among the various functional offices responsible for processing those disputes, and can designate ADR FAMs in those offices to assist that effort. These FAMs, if designated, are intended to act as advocates for the use of ADR in their respective dispute programs. Since the "hub and spoke" model requires a commitment of dedicated resources to full-time management of ADR, it is generally most appropriate for bases with large civilian employee populations and significant workplace dispute activity, like Air Logistics Centers.



Model 1: "Hub and Spoke"

- Interacts with all offices and organizations involved with dispute programs

- Offers a "one stop shopping" solution



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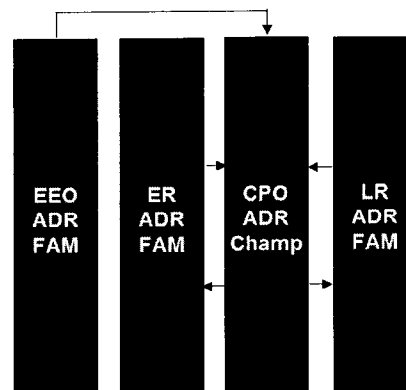
Figure 1. "Hub and Spoke" ADR program model.

Figure 2 depicts a "pillar-plus" ADR program structure, in which the ADR Champion is located in one of the functional offices responsible for workplace disputes, such as the CPF or EEO Office, and utilizes FAMs in the other functional offices to coordinate ADR program responsibilities. This structure does not require the use of full-time, dedicated resources to ADR, and may therefore be more appropriate for bases with smaller workplace dispute workloads.



Model 2: "Pillar-Plus"

- Decentralized administration of ADR activities
- Each dispute area is a separate "pillar," with its own ADR Champion or FAM



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Figure 2. "Pillar-Plus" ADR program model. *Note:* Placement of the ADR Champion in CPO is purely notional.

The two models depicted in Figures 1 and 2 are not the only possible base-level program configurations. Bases whose workplace disputes are concentrated in EEO, for example, may elect to designate the EEO Manager as ADR Champion and not use FAMs at all. All configurations are acceptable under the AFI, if they make sense for that base.

Before leaving this question, I should add one *caveat*. Although the AFI does not expressly exclude any employee from being appointed ADR Champion, consideration should be given to whether the person appointed is perceived as a "trusted neutral" to ensure the perception of even-handed application of ADR for the benefit of both employees and management. This may lead the commander to appoint someone not located in the CPF or the Legal Office, for example, because of their traditional roles in advising and advocating for management in workplace disputes. On the other hand, EEO Offices do not have the same relationship to management at the base level and therefore may be a logical and appropriate source for the ADR Champion. *Let me emphasize that these considerations are not requirements of the AFI, but are common-sense approaches commanders and their staffs should utilize to ensure the ADR Program enjoys the credibility among all stakeholders necessary to make it effective.*

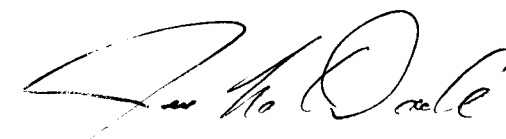
2) Question: Under paragraph 11, who is the installation commander?

Answer: The AFI does not specifically define "installation commander" (an oversight that will be corrected in the next revision). AFI 38-101, paragraph 2.3.1.3, defines the installation commander as the commander of an installation's host unit, who discharges the duties directed by U.S. statutes or Air Force directives to be performed by the installation commander. One of those duties is appointing authority over assigned civilian personnel, delegated by the Secretary to installation commanders by AFD 36-1, paragraph 2.2. Taking these together, the intent of AFI 51-1201, paragraph 11, is that the commander exercising delegated appointing authority over civilian personnel located on an installation is the "installation commander." At most bases that will be the commander of the wing that operates and maintains the base (whether an operational or air base wing). At AFMC bases where appointing authority is exercised by a Center Commander, the Center Commander is the "installation commander" for purposes of AFI 51-1201, paragraph 11. This will be clarified in a future revision of the AFI.

3) Question: What, if any, status do FOA and DRU commanders have regarding ADR programs and appointment of an ADR Champion?

Answer: Paragraph 11.2 of AFI 51-1201 requires FOA and DRU commanders who have appointing authority over civilian personnel assigned to their organizations to appoint an ADR Champion. In this regard, FOA and DRU commanders are viewed as equivalent to installation commanders for purposes of ADR program responsibility. This applies only to FOA and DRU commanders with appointing authority.

We will be posting this memorandum and additional guidance regarding AFI 51-1201, as needed, to the Air Force ADR web site at www.adr.af.mil. If you have questions about this guidance or any other issue regarding AFI 51-1201, please contact Lt Col Marc Van Nuys at DSN 227-0379 or by e-mail at marc.vannuys@pentagon.af.mil.



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